

Docket No. 279167US2PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Atsushi YAMAGISHI

SERIAL NO: 10/551,842

GAU: 3732

FILED: November 15, 2006

EXAMINER: EIDE, Heidi Marie

FOR: CARIOUS TOOTH DETECTION DEVICE

PETITION FOR CONSIDERATION UNDER 37 C.F.R. §1.181(A)(3)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant herein petitions the Commissioner to invoke his supervisory authority to compel the Examiner to consider the Documents (AO), (AP) and (AQ) cited in the Information Disclosure Statement filed on March 1, 2010.

The Information Disclosure Statement, in conformity with the requirements of 37 C.F.R. §1.97-1.98, was originally filed on March 1, 2010, together with a copy of the Japanese Office Action with an English translation citing Documents (AO), (AP) and (AQ). The above-referenced application has now been allowed. It appears that these documents listed in the Information Disclosure Statement have been denied consideration by the Examiner.

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances. The Information Disclosure Statement is in compliance with 37 C.F.R. §1.97-1.98 since it was timely submitted with a showing of relevancy comprising a copy the Japanese Office Action with an English translation and copies of Documents (AO), (AP) and (AQ) which are cited in the Japanese Office Action. Copies of the Japanese Office Action and Documents (AO), (AP) and (AQ) may be found on PAIR as NPL and FOR documents, respectively.

Accordingly, it is respectfully submitted that this Petition Under 37 C.F.R. §1.181 be granted and that the Examiner consider the Information Disclosure Statement filed March 1, 2010, and all of the respective documents cited therein.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Stephen G. Baxter
Registration No. 32,884

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 07/09)

Craig R. Feinberg
Registration No. 62,116